

REMARKS

Claims 10 and 11 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-4 and 10 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Polk, et al (U.S. Patent 5,904,053) in view of Stansbury, Jr., et al (U.S. Patent 3,027,041). Claims 5-9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Polk, et al and Stansbury, Jr., et al in view of Goettl (U.S. Patent 4,687,604). Claims 11-13, 15 and 17-20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Polk, et al in view of Goettl. Claim 14 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Polk, et al and Goettl in view of Stansbury, Jr., et al. Claim 16 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Polk, et al in view of Goettl. No claims have been allowed.

Claims 1-20 have cancelled. Claims 21-40 have been added as set forth hereinabove. It is believed that claims 21-40 are in condition for allowance for the reasons set forth hereinbelow.

1. The Rejections Under 35 U.S.C. 112

The Examiner indicates that there is no antecedent basis for the limitation “respective lowermost portions” in the first line of each of claims 10 and 11. Although claim 10 includes this limitation, claim 11 does not. Claim 20 does include this limitation in the first line thereof so it appears that the rejection under 35 U.S.C. 112 was intended to apply to claims 10 and 20 and not to claims 10 and 11. In any event, in view of the cancellation of claims 1-20, it is believed that the rejections under 35 U.S.C. 112 is now moot.

2. The Rejections Under 35 U.S.C. 103(a)

Furthermore, it is believed that the rejections under 35 U.S.C. 103(a) are not applicable to new claims 21-40. None of the references of record, either alone or in combination, teaches or suggests a drain pan as claimed in any of claims 21-40. For example, there is no teaching or suggestion in the references of a drain pan having a side trough that is at least partially defined by a curved surface having a greater radius of curvature proximate to a back trough of the pan than proximate to a front trough thereof, as claimed in claims 21-33. Nor is there any teaching or suggestion in the references of a drain pan having a depression proximate to a drain opening in an

outer front wall of the pan that is below a trough in the pan and that defines a lowermost part of the pan, as claimed in claims 34-37. Further, there is no teaching or suggestion in the references of a drain pan having an inner side wall, at least a portion of which is reduced in height relative to inner front and back walls of the pan, as claimed in claims 38-40.

3. Conclusion

In view of the foregoing, it is believed that claims 21-40 are in condition for allowance and it is respectfully requested that the case be advanced to issue. No additional fee is believed to be due.

Respectfully submitted,

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Date: April 27, 2005

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